

SCANNED

OCT 12 2010

Clay County Clerks Office

ORDINANCE
OF THE CLAY COUNTY COMMISSION
CLAY COUNTY, MISSOURI

ATTEST A TRUE COPY
THOMAS M. BRANDON, CLERK
CLAY COUNTY COMMISSION
BY, *Stacey Tinger*
DEPUTY CLERK

2010-ORD-33

RESCIND 2010-285

APPROVE AMENDMENT TO THE CLAY COUNTY CODE OF ORDINANCES
CLAY COUNTY GREEN BUILDING CODE
PLANNING & ZONING

BE IT HEREBY RESOLVED BY THE COUNTY COMMISSION OF CLAY COUNTY, MISSOURI THAT, this Commission hereby rescinds Resolution 2010-285 and approves the attached amendment to the Clay County Code of Ordinances, Clay County Green Building Code, Chapter 150, Building Regulations. The Presiding Commissioner is authorized to sign the attached contract (if applicable) and all documents to facilitate this order. The Clay County Counselor is instructed to send this ordinance to Municipal Code Corporation to include in the Clay County Code of Ordinances.

ADOPTED BY THE COUNTY COMMISSION OF CLAY COUNTY, MISSOURI, THIS 12 DAY
OF October, 2010.

APPROVED AS TO FORM AND LEGALITY:

[Signature]
COUNTY COUNSELOR

ATTEST:

[Signature]
COUNTY CLERK

[Signature]
PRESIDING COMMISSIONER

[Signature]
WESTERN COMMISSIONER

[Signature]
EASTERN COMMISSIONER

RESOLUTION
OF THE CLAY COUNTY COMMISSION
CLAY COUNTY, MISSOURI

2010-285

APPROVE AMENDMENT TO THE CLAY COUNTY CODE OF ORDINANCES
CLAY COUNTY GREEN BUILDING CODE
PLANNING & ZONING

BE IT HEREBY RESOLVED BY THE COUNTY COMMISSION OF CLAY COUNTY, MISSOURI THAT, this Commission hereby approves the attached amendment to the Clay County Code of Ordinances, Clay County Green Building Code, Chapter 150, Building Regulations. See attached Request for Commission Action for detail information. The Presiding Commissioner is authorized to sign the attached contract (if applicable) and all documents to facilitate this order.

ADOPTED BY THE COUNTY COMMISSION OF CLAY COUNTY, MISSOURI, THIS 27 DAY OF SEPTEMBER, 2010.

APPROVED AS TO FORM AND LEGALITY:



COUNTY COUNSELOR

ATTEST:



COUNTY CLERK



PRESIDING COMMISSIONER



WESTERN COMMISSIONER



EASTERN COMMISSIONER



REQUEST FOR COMMISSION ACTION

RES ☐ ORD ☒ # 2010-285

Revised 7-19-05

Date: September 13, 2010

Department/Office: Planning & Zoning

Immediate Action Required: No ☒ Yes ☐ If Yes, reason?

Work Session Date Requested: 09/20/2010 Business Session Date Requested: 09/27/2010

Past Commission Action: None

Legal Review: Yes ☒ No ☐ Public Hearing: Yes ☐ No ☒ Date:

Issue: The "Clay County Green Building Code", which adopts the International Code Council ("ICC") and National Association of Home Builders ("NAHB") *National Green Building Standard* ("NGBS").

Background: Going "green" and "sustainability" initiatives are sweeping the nation. From product packaging to household cleaning supplies, the general public is exposed and educated to more environmentally-sensitive products and services in their daily lives. One of the major "green" initiatives spreading across the U.S. centers on the building construction industry. The U.S. Green Building Council ("USGBC") LEED program has been in existence for many years, and was the foundational "green" building standard for numerous first generation verified "green" buildings.

In 2008, the company who produces and distributes virtually all of Clay County's building regulatory codes has released their version of "green" building standards in collaboration with the National Association of Home Builders ("NAHB") – the International Code Council ("ICC") Chapter 700 *National Green Building Standard*, or "NGBS" for short. The NGBS took the core "green" principles of LEED and revised them to become more of a comprehensive look at the entire land development process, and to allow for a grading scale weighted more towards conservation and efficiency building techniques that foster a larger positive impact to the natural environment. From site design and development of the entire project, to how a lot is situated and disturbed, NGBS incorporates more facets of the entire land development life cycle. That being said, core pillars of "green" construction such as resource efficiency (i.e. construction material quality, prefabricated components, enhanced durability and reduced maintenance, etc.), energy efficiency, and water conservation are all still heavily prevalent and influential in the grading of projects.

The Clay County Building Codes Commission held three (3) public hearings on July 14, 28, and August 11, 2010 to consider adoption of the "Clay County Green Building Code" in conjunction with the NGBS, in accordance with Chapter 64.18 of the Missouri Revised Statutes ("RSMo"). Following the completion of the last public hearing, the Building Codes Commission recommended *approval* and adoption of the "Clay County Green Building Code" and NGBS by adding Section 150-21 to the Clay County Code of Ordinances, with the following exception:

Remove "designated" from Section 701.3 of the NGBS.

This revision was requested by the Clay County Planning & Zoning Department mainly because staff prefers to not designate any particular third party entities to perform the energy efficiency inspections verifying that a home meets their desired "Green Building Category" within Chapter 3 of the IGBS (e.g., Bronze, Silver, Gold, or Emerald). Staff believes that documented evidence of NAHB Research Center for National Green Building Certification third party verifier accreditation is sufficient enough to meet the intent of this section of the NGBS.

Included in this transmittal are two (2) documents:

- 1) Section 150-21, Clay County Green Building Code
- 2) Copy of the NGBS (not to be reproduced by order of the ICC and NAHB)

THIS FORM MUST BE COMPLETED AND SUBMITTED ELECTRONICALLY TO THE COUNTY COMMISSION EXECUTIVE ASSISTANT BY 1:30 PM MONDAY PRIOR TO THE NEXT COMMISSION WORK SESSION

Action needed: Approve amendment to the Clay County Code of Ordinances, adding Section 150-21, "Clay County Green Building Code", which adopts the International Code Council ("ICC") and National Association of Home Builders ("NAHB") *National Green Building Standard* ("NGBS").

Public/Board/Staff Concerns: None – the "Clay County Green Building Code" and NGBS would be a completely voluntary program for home builders.

Recommendation: Approve

Follow up: Staff recommends that a "Clay County Green Building Program Committee" be formed following the adoption of the "Clay County Green Building Code" (Section 150-21 of the Clay County Code of Ordinances), made up of various community stakeholders with an emphasis on representatives from the building industry. The main objective of this Committee would be to formulate the inner workings of the actual "Clay County Green Building Program" ("Program"), which would use the adopted NGBS as the foundational code for implementing the Program.

Various components to the Program need to be decided, including but not limited to the logo, amounts of building permit fee reductions, possible recognition signage, collaboration with outside agencies (particularly NAHB and KC chapter), marketing and promotional prospects, identifying available grants/outside funding opportunities, along with other variables yet to be identified.

Distribute Attested Copies of Ordinance to: Planning & Zoning

Matt Tapp
Requestor

Ben Calia
Purchasing/Budget

Alexa Barton
County Administrator

CLAY COUNTY CODE OF ORDINANCES

CHAPTER 150 BUILDING REGULATIONS

ARTICLE II. ADOPTION OF REGULATORY CODES

Section 150-21 Green Building Code

Section 1 – Title and Scope

A. Title

The regulations shall be known as the "Clay County Green Building Code", may be cited as such, and will be referred to herein as "this code".

B. Intent and Scope

- 1) This code shall provide for rating the environmental impact of design and construction practices to achieve conformance with specified performance levels for green residential buildings, building sites, subdivisions and renovation thereof. It is intended to provide flexibility to permit the use of innovative approaches and techniques. This code is not intended to abridge safety, health or environmental requirements that may be contained in other codes, ordinances or applicable laws.
- 2) The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

Section 2 – Adoption of the *National Green Building Standard* (ICC700-2008)

- A. The provisions, appendices and amendments of the *National Green Building Standard* published by the International Code Council, Inc. ("ICC") and for all intents and purposes incorporated into this ordinance as fully as if set forth herein, are hereby adopted as the official Clay County Green Building Code and all provisions thereof shall be in full force and effect in the County, as hereinafter provided. Three (3) copies of said code are on file with the Clay County Clerk, and are to be construed, applied and enforced as modified and supplemented as set forth in this ordinance.

- B. The following section of the *National Green Building Standard* is hereby revised:

- 1) Remove "designated" from Section 701.3

(Ord. No. 2010-ORD-33)